

Application No. 09/926,41
Reply to Office Action of August 12, 2003

REMARKS

The Office has required restriction in the present application as follows:

- Group I: Claims 1-7, drawn to a use of a specific compound for textiles;
- Group II: Claims 8 and 9, drawn to a method of protecting human skin;
- Group III: Claims 10 and 11, drawn to a method of protecting textiles against fading;
- Group IV: Claims 12 and 13, drawn to a method of increasing UV protection factor;
- Group V: Claims 14-16, drawn to a laundry detergent;
- Group VI: Claims 17 and 18, drawn to a compound and method of making said compound; and
- Group VII: Claim 19, drawn to a textile with said compound.

Restriction is only proper if the claims of the restricted groups are either independent or patentably distinct. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion with regard to patentable distinctness. MPEP §803.

Applicants respectfully traverse the requirement for restriction on the grounds that the Office has not provided adequate reasons and/or examples to support a conclusion of patentable distinctness between the identified groups.

The Office, citing PCT Rule 13.1, contends that Groups I-VII do not relate to a single general inventive concept because they "lack the same or corresponding special technical features". The Office contends that "a method of protecting human skin is very different from a method of protecting textiles from fading being that each method can be performed by various compounds and compositions, other than the compounds and compositions recited in the instant application." Applicants respectfully submit that Office has merely stated a conclusion and has not provided adequate reasons and/or examples why unity of invention is lacking. Accordingly, Applicants respectfully submit that the Office has failed to properly support the Requirement for Restriction and accordingly request that it be withdrawn.

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In addition, PCT Article 27(1) states that no national law shall require compliance with requirements relating to the form and contents of the International application different from or additional to those which are provided for in the Patent Cooperation Treaty and the Regulations. Applicants also note that the Office has not applied the same standard of unity of invention as the International Preliminary Examination Authority (see English translation submitted herewith). The Authority did not take the position that unity of invention was lacking in the International application and examined all claims together.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Requirement for Restriction. Withdrawal of the Requirement for Restriction is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully submitted,

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